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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

STEPHEN ELLZEY,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant

Case No.: 2:25-cv-00811-AC

STIPULATION FOR THE AWARD AND  
PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURUSANT TO THE EQUAL  
ACCESS TO JUSTICE ACT; [PROPOSED]  
ORDER

The parties, through their respective counsel, hereby agree that attorney fees in the amount of \$8,850.00 shall be awarded to Plaintiff pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, and costs of \$0, pursuant to 28 U.S.C. § 1920. Such attorney fees shall be subject to verification that Plaintiff has no debt that qualifies for offset, pursuant to the Treasury Offset Program as discussed in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010).

If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees are not subject to any offset allowed under the Department of the Treasury's Offset Program, then the check or electronic funds transfer for EAJA fees shall be made payable to Plaintiff's attorney, Margaret Lehrkind, based upon Plaintiff's assignment of these amounts to her. See Exhibit – STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED] ORDER - 1

1 Retainer Agreement. If Plaintiff has a debt, then any remaining funds after offset shall be made  
2 payable to Plaintiff and mailed to counsel's address.

3 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
4 attorney fees and expenses and does not constitute an admission of liability on the part of  
5 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release  
6 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to  
7 EAJA attorney fees and expenses in connection with this action.  
8

9 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
10 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.  
11

12  
13 DATE: August 27, 2025

Respectfully submitted,

14  
15 Lehrkind Law Office, P.C.

16 By: /s/ Margaret Lehrkind  
17 MARGARET LEHRKIND  
18 Attorney for Plaintiff

19 DATE: August 27, 2025

20 By: /s/ Marcelo N. Illarmo \*  
21 MARCELO N. ILLARMO  
22 \*As authorized via email on 8/27/25  
23 Special Assistant United States Attorney  
24 Attorney for Defendant  
25

26 STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND  
27 EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED]  
28 ORDER - 2

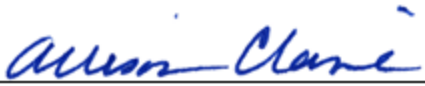
**[PROPOSED] ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

**IT IS ORDERED** that fees and expenses in the amount of EIGHT THOUSAND EIGHT HUNDRED FIFTY dollars (\$8,850.00) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and ZERO and 00/100 (\$0.00), pursuant to 28 U.S.C. § 1920 be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

DATE: August 28, 2025

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED]  
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